

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRIAN KEITH ALFORD,

Plaintiff,

v.

**Civil Action 2:21-cv-1878
Judge Edmund A. Sargus, Jr.
Magistrate Judge Chelsey M. Vascura**

ROBERT ZILLES, *et al.*,

Defendants.

ORDER and NOTICE OF DEFICIENCY

Plaintiff, Brian Keith Alford, an Ohio inmate proceeding without the assistance of counsel, filed a Complaint on April 16, 2021. (ECF No. 1.) However, Plaintiff did not pay the \$402.00 filing fee or move for leave to proceed without prepayment of fees (*in forma pauperis*).

To the extent Plaintiff intends to move for leave to proceed *in forma pauperis*, he must comply with the statutory requirements set forth in 28 U.S.C. § 1915. Specifically, in addition to submitting “an affidavit that includes a statement of all assets such prisoner possesses” as required under § 1915(a)(1), Plaintiff must also “submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined” as required under § 1915(a)(2). Further, Plaintiff is required to pay the full amount of the filing fee. 28 U.S.C. § 1915(b)(1). That amount is to be collected through an initial assessment of 20 percent of the greater of the average monthly deposits to the prisoner’s accounts or the average monthly balance in the accounts for

the 6-month period immediately preceding the filing of the complaint, and through monthly payments to be made thereafter in the amount of 20 percent of the preceding month's income credited to the prisoner's accounts. Plaintiff is **ORDERED** to either pay the \$402.00 filing fee or file a properly supported application to proceed without prepayment of fees **WITHIN 30 DAYS OF THE DATE OF THIS ORDER**. Should Plaintiff file an application to proceed without prepayment of fees, the will Court determine whether Plaintiff may proceed *in forma pauperis*, and, if so, will calculate the initial partial filing fee and the monthly installments, issuing a separate order directing payment.

Plaintiff is advised that if he opts to proceed with this litigation, his action may be subject to dismissal for failure to state a claim under 28 U.S.C. § 1915(e)(2). Plaintiff is further advised that if he proceeds and the case is dismissed under § 1915(e)(2), he will be assessed the full amount of the filing fee. *See In re Prison Litigation Reform Act*, 105 F.3d 1131, 1132 (6th Cir. 1997).

IT IS SO ORDERED.

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE